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23 **UNITED STATES DISTRICT COURT**

24 **NORTHERN DISTRICT OF CALIFORNIA—SAN FRANCISCO DIVISION**

25 HAPPY VALLEY ROAD LLC,

26 Plaintiff,

27 v.

28 AMGUARD INSURANCE COMPANY,

Defendant.

Case No.: 3:22-cv-06115-LB

**DECLARATION OF FREDERICK
GRESCHNER IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
DEFENDANT AMGUARD INSURANCE
COMPANY'S MOTION TO DISMISS
PLAINTIFF'S *AMENDED* COMPLAINT**

Date: August 24, 2023
Time: 9:30 a.m.
Courtroom: Courtroom B

DECLARATION OF FREDERICK GRESCHNER

I, Frederick Greschner, declare as follows:

1. I am an attorney duly licensed to practice law in the State of Louisiana and admitted before this Court *pro hac vice*. I am a lawyer at Gauthier Murphy & Houghtaling LLC, counsel of record for Plaintiff Happy Valley Road, LLC's ("Plaintiff" or "Happy Valley") in this case. I make this Declaration in support of Plaintiff's Opposition to Defendant AmGUARD Insurance Company's ("Defendant" or "AmGUARD") Motion to Dismiss. I have personal knowledge of the matters set forth in this Declaration and, if called as a witness, could and would competently testify thereto.

2. After Defendant filed its Motion to Dismiss on July 13, 2023, I spoke to Rajiv Gosain, the owner of the property located at 4134 Happy Valley Road, Orinda, California.

3. On October 15, 2018, Mr. Gosain assigned his contract with Rented.com to Happy Valley Road, LLC. A true and correct copy of this assignment is attached hereto as **Exhibit 1**.

4. In its Amended Complaint, Plaintiff alleged that the date Rented.com cancelled the contract was November 12, 2019. (FAC ¶ 120). This date was provided by the sole principal of Happy Valley, Rajiv Gosain.

5. At the time, Mr. Gosain was attempting to locate the cancellation documents provided by Rented.com, while also dealing with the illness, death, and burial of his father in India.

6. In speaking with Mr. Gosain since, he stated that he provided this date from memory, that it was obviously an error, and that the cancellation was sometime in late 2019 or early 2020.

7. Mr. Gosain remains in India and will not be returning to the United States until late August or early September 2023.

8. Upon his return he will investigate further to find the cancellation documents and the Amended Complaint will be corrected to reflect the accurate date that Rented.com cancelled the contract in question.

1 9. I declare under penalty of perjury under the laws of the United States of America
2 that the foregoing is true and correct to the best of my knowledge and belief.
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4 Executed on July 27, 2023, in Metairie, Louisiana.
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7 Frederick Greschner
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